UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

AJ SERVICES JOINT VENTURE I, L.L.P.

and

Case 10-CA-109635

INDUSTRIAL, TECHNICAL AND PROFESSIONAL EMPLOYEES UNION A/W OPEIU, AFL-CIO AS LOCAL 4873

ORDER¹

The Employer's petition to revoke subpoena duces tecum B-708046 is denied as untimely. Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations require that a petition to revoke an investigative subpoena must be filed within 5 days after the date of service of the subpoena; and the petition must be received by the Board on that date, Section 102.31(b). The subpoena at issue here was served on the Employer on December 2, 2013. Thus, the instant petition, which was received by the Region on December 13, 2013, is untimely.

Moreover, even assuming that the petition was timely filed, it is lacking in merit. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Dated, Washington, D.C., February 26, 2014.

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

NANCY SCHIFFER, MEMBER